

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
CHARLESTON DIVISION**

IN RE DIGITEK®

PRODUCTS LIABILITY LITIGATION

MDL NO. 1968

THIS DOCUMENT RELATES TO ALL CASES

NOTICE OF VIDEO DEPOSITION

Please take notice that the Plaintiffs Steering Committee will take the video deposition of **Mark Toole** before a court reporter or other official authorized by law to take depositions, on **Thursday October 22, 2009, at 9:00 a.m.** to be conducted at the offices of **Harris Beach PLLC, 100 Wall St., New York, New York, 10005** at which time and place you are notified to appear and take such part of said deposition as may be proper.

This deposition will be recorded stenographically and on videotape, and will comply with any relevant orders in this MDL. This deposition is noticed in the above-captioned matter for any and all purposes permitted by the Federal Rules of Civil Procedure, and any other federal, state, or local rules that apply to this action and the deposition will be taken in accordance with these rules. The oral examination will continue from day to day until completed.

Dated: October 7, 2009

Respectfully submitted,

On Behalf of the Plaintiffs' Steering Committee

s/Fred Thompson, III Esq.
Fred Thompson, III, Esq.
Motley Rice, LLC
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CERTIFICATE OF SERVICE

I hereby certify that on October 7, 2009, the above notice was emailed to a representative of Actavis. I also certify that on October 14, 2009, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

s/Fred Thompson, III Esq.
Fred Thompson, III, Esq.
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